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Attorneys for Plaintiffs
SPRINT SPECTRUM L.P.; SPRINT SPECTRUM REALTY
COMPANY, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SPRINT SPECTRUM L.P., a Delaware
limited partnership; SPRINT SPECTRUM
REALTY COMPANY, L.P., a Delaware
limited partnership,

Plaintiffs,

vs.

COUNTY OF SAN MATEO; BOARD OF
SUPERVISORS FOR THE COUNTY OF
SAN MATEO, its governing body; MARK
CHURCH, in his official capacity as Board
Member of the Board of Supervisors for
the County of San Mateo; JERRY HILL, in
his official capacity as Board Member of
the Board of Supervisors for the County of
San Mateo; RICH GORDON, in his
official capacity as Board Member of the
Board of Supervisors for the of the County
of San Mateo; ROSE GIBSON, in her
official capacity as Board Member of the
Board of Supervisors for the County of San
Mateo; ADRIENNE TISSIER, in her
official capacity as Board Member of the
Board of Supervisors for the County of San
Mateo; and DOES 1-10, inclusive.

Defendants.

Case No. C 11-00056 CW

[Consolidated With Case No. C 08-00342
CW]

**STIPULATION TO CONTINUE
DATES**

[Concurrently filed with Proposed Order]

1 WHEREAS, on or about January 17, 2008, Plaintiffs Sprint Spectrum L.P. and
2 Sprint Spectrum Realty Company, L.P. (collectively “Sprint”) filed the above entitled
3 action, challenging the denial of a renewal application under the federal
4 Telecommunications Act of 1996; and

5 WHEREAS, on or about June 9, 2008, defendants County of San Mateo, Board of
6 Supervisors for the County of San Mateo, and the individual Supervisors (collectively the
7 “County”) filed an answer in the above-entitled matter; and

8 WHEREAS, following the filing of the answer, the parties negotiated and signed a
9 contingent settlement agreement, with settlement contingent upon the County’s approval
10 of Sprint’s application after noticed hearing; and

11 WHEREAS, on September 15, 2009, the County again denied Sprint’s application;
12 and

13 WHEREAS, on September 22, 2009, the County issued its written decision
14 denying Sprint’s application; and

15 WHEREAS, on October 21, 2009, Sprint filed an action entitled *Sprint Spectrum*
16 *L.P., et al. v. County of San Mateo, et al.*, Case No. 09-05022 SBA, challenging the
17 County’s second denial under the federal Telecommunications Act of 1996; and

18 WHEREAS, on October 28, 2009, the Court, consistent with a stipulation
19 submitted by the parties, ordered the two matters consolidated, scheduled a Case
20 Management Conference for the consolidated matter on April 13, 2010, and ordered
21 Sprint to file a consolidated amended complaint; and

22 WHEREAS, consistent with the Court’s order, Sprint filed a consolidated
23 complaint on November 3, 2009; and

24 WHEREAS, on November 18, 2009, the parties participated in a settlement
25 conference with the Honorable Chief Magistrate Judge Maria-Elena James; and

26 WHEREAS, on June 11, 2010, the parties participated in a further settlement
27 conference with the Honorable Chief Magistrate Judge Maria-Elena James; and
28

1 WHEREAS, as a result of the further settlement discussions the parties negotiated
2 and signed a second contingent settlement agreement, with settlement contingent upon
3 the County's approval of Sprint's application after noticed hearing; and

4 WHEREAS, on December 7, 2010, the County again denied Sprint's application;
5 and

6 WHEREAS, on January 6, 2011, Sprint filed an action entitled *Sprint Spectrum*
7 *L.P., et al. v. County of San Mateo, et al.*, Case No. 11-0056 JCS, challenging the
8 County's third denial under the federal Telecommunications Act of 1996; and

9 WHEREAS, on January 27, 2011, the Court found that the matter was related and
10 vacated all previously set dates and deadlines; and

11 WHEREAS, on April 26, 2011, the parties participated in a Case Management
12 Conference, with the Court ordering the County to lodge a certified administrative record
13 by June 27, 1011, and establishing August 26, 2011 as the discovery cutoff, October 13,
14 2011 as the deadline for Sprint's opening brief, October 27, 2011 as the deadline for the
15 County's opposition/cross motion, November 10, 2011 as the deadline for Sprint's
16 reply/opposition to cross motion, November 10, 2011 as the deadline for the County's
17 reply brief, and scheduling a further Case Management Conference for December 1,
18 2011; and

19 WHEREAS, on July 6, 2011, the parties participated in a further settlement
20 conference with Magistrate Judge Elizabeth D. Laporte; and

21 WHEREAS, the parties have been and continue to be actively engaged in
22 discussions, including the exchange of information and ideas for a compromise resolution
23 of this matter; and

24 WHEREAS, the parties believe that the evaluation of an independent third-party
25 may aid in the resolution of this matter; and

26 WHEREAS, the parties have identified two potential independent consultants and
27 the general framework for an independent third-party review; and
28

1 WHEREAS, the County, acting through its Board of Supervisors, has provided
2 County Counsel with authority to hire one of the two proposed independent consultants;
3 and

4 WHEREAS, the County has approached the potential consultants and requested
5 that each of them propose a scope of work and project costs for an independent report to
6 be prepared by them on behalf of the County, including the need for any subcontractors
7 to perform supplemental analyses, but the County has not finalized contract terms with
8 either consultant; and

9 NOW, THEREFORE, it is hereby stipulated by and between Sprint and the
10 County, through their respective counsel, subject to the approval of the Court, as follows:

- 11 1. That the February 21, 2012 discovery cutoff be continued to August 20,
12 2012.
- 13 2. That the April 2, 2012 deadline for Sprint's opening brief be continued to
14 October 8, 2012.
- 15 3. That the April 16, 2012 deadline for County's opposition/cross motion
16 (contained within a single brief) be continued to October 22, 2012.
- 17 4. That the April 30, 2012 deadline for Sprint's reply/opposition to cross
18 motion (contained within a single brief) be continued November 5, 2012.
- 19 5. That the May 9, 2012 deadline for County's reply be continued to November
20 15, 2012.
- 21 6. That the case management conference currently set for May 24, 2012 at 2:00
22 p.m. be held on December 6, 2012 at 2:00 p.m.
- 23 7. These same deadlines shall apply to this action and *Sprint Spectrum, L.P. et*
24 *al. v. County of San Mateo, et al.*, Case No. C 08-00342 CW.

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2 8. That this Stipulation may be executed in counterparts. All counterparts
3 when executed shall constitute one document notwithstanding that all of the parties are
4 not a signatory to the original or the same counterpart.
5

6
7 Dated: February 9, 2012 SAN MATEO COUNTY COUNSEL

8 By: /s/ Timothy J. Fox
9 Timothy J. Fox, Deputy County Counsel
10 Attorneys for Defendants
11

12 Dated: February 9, 2012 NOSSAMAN LLP

13 By: /s/ John J. Flynn III
14 John J. Flynn III
15 Attorneys for Plaintiffs
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Defendants.

Case No. C 11-00056 CW

[Related to Case No. C 08-00342 CW]

**~~PROPOSED~~ ORDER RE
CONTINUING DATES**

1 Based on the stipulation of the parties, the Court continues the February 21, 2012
2 discovery cutoff to August 20, 2012; the April 12, 2012 deadline for Sprint's opening
3 brief to October 8, 2012; the April 16, 2012 deadline for County's opposition/cross
4 motion (contained within a single brief) to October 22, 2012; the April 30, 2012 deadline
5 for Sprint's reply/opposition to cross motion (contained within a single brief) to
6 November 5, 2012; the May 9, 2012 deadline for County's reply to November 15, 2012;
7 and the case management conference currently set for May 24, 2012 at 2:00 p.m. to
8 December 6, 2012 at 2:00 p.m. **The motions will also be heard on Thursday,**
9 **December 6, 2012 at 2:00 p.m.** Further, these same deadlines shall apply to this action
10 and *Sprint Spectrum, L.P., et al. v. County of San Mateo, et al.*, Case No. 08-00342 CW.
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12 Dated: 3/8/2012


13 Hon. CLAUDIA WILKEN
14 United States District Judge
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